

**ORDINANCE NO. 2020-041**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL REPEALING AND RESCINDING HIALEAH, FLA. ORDINANCE NO. 88-04 (JANUARY 12, 1988); AND GRANTING A VARIANCE PERMIT TO ALLOW THE CONVERSION OF A RESIDENTIAL UNIT ON THE SECOND FLOOR OF THE REAR PORTION OF AN EXISTING BUILDING INTO 2 UNITS WITH APPROXIMATE AREA OF 733 SQUARE FEET EACH, WHERE 750 SQUARE FEET IS THE MINIMUM REQUIRED; ALLOW THE ADDITION OF A TWO-STORY BUILDING AT THE REAR OF THE BACK PORTION OF AN EXISTING BUILDING INCLUDING ONE RESIDENTIAL UNIT OF 530 SQUARE FEET ON EACH FLOOR, WHERE 750 SQUARE FEET IS THE MINIMUM REQUIRED; ALLOW 71.67 FEET FRONT SETBACK, WHERE 10 FEET ARE REQUIRED; ALLOW INTERIOR EAST SIDE SETBACK OF 2.14 FEET FOR THE STAIRCASE OF THE PROPOSED ADDITION AND 4.49 FEET FOR THE EXISTING BUILDING, WHERE 5 FEET ARE REQUIRED; ALLOW 5.62 REAR SETBACK, WHERE 10 FEET ARE REQUIRED; ALLOW 14.4% PERVIOUS AREA, WHERE 30% IS THE MINIMUM REQUIRED; AND ALLOW PARKING ON THE FRONT SETBACK, WHERE NO PARKING IN FRONT SETBACKS IS ALLOWED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-637(3)a., 98-641(a), 98-641(b), 98-641(d), 98-641(g) AND LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015, PARAGRAPH (E), TABLE A. **PROPERTY LOCATED AT 225 EAST 6 STREET, HIALEAH, FLORIDA; PROPERTY ZONED R-3-D (MULTIFAMILY DISTRICT).** PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** the Planning and Zoning Board at its meeting of July 29, 2020 recommended approval of this ordinance; and

**WHEREAS,** the approval is subject to the condition that bedrooms and living rooms windows on the north side wall are relocated to the east and west sides of the building, a wall is

built along the north property line or a lush landscape buffer provided along the north property line.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1.** Hialeah, Fla. Ordinance No. 88-04 (January 12, 1988) attached as Exhibit “A” is hereby repealed and rescinded in its entirety.

**Section 2.** A variance permit is hereby granted to allow the conversion of a residential unit on the second floor of the rear portion of an existing building into 2 units with approximate area of 733 square feet each, where 750 square feet is the minimum required and allow the addition of a two-story building at the rear of the back portion of an existing building including one residential unit of 530 square feet on each floor, where 750 square feet is the minimum required, contra to Hialeah Code of Ordinances § 98-637(3)a. that provides: “(3) *Building uses*: a. Each residential unit shall have a minimum of 750 square feet.”; allow 71.67 feet front setback, where 10 feet is required, contra to Hialeah Code of Ordinances § 98-641(a) “*Front yard required*. Residential structures shall have a required front yard of ten feet.”; allow interior east side setback of 2.14 feet for the staircase of the proposed addition and 4.49 feet for the existing building, where 5 feet are required, contra to Hialeah Code of Ordinances § 98-641(b) that provides: “*Interior side yard required*. There shall be a required side setback of five feet.”; allow 5.62 rear setback, where 10 feet are required; contra to Hialeah Code of Ordinances § 98-641(d) that provides: “*Rear yard required*. There shall be a required yard of ten feet required at the rear of the property.”; allow parking in the front setback, where no parking in the front setbacks is allowed, contra to Hialeah Code of Ordinances § 98-641(g) that provides: “*No parking in front setbacks is allowed*.”; and allow 14.4% pervious area, where 30% is the minimum required, contra to the latest edition of the City of Hialeah Landscape manual dated July 9, 2015, paragraph (E), Table A that provides: “Multi-Family Residential R-3-D, percent of Required Net Lot Area 30%.” Property located at **225 East 6 Street, Hialeah, Florida**, and legally described as follows:

Lots 15, 16, 17 and 18, Block 22, of HIALEAH FOURTH ADDITION, according to the Plat thereof, as recorded in Plat Book 7, at Page 83, of the Public Records of Miami-Dade County, Florida.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

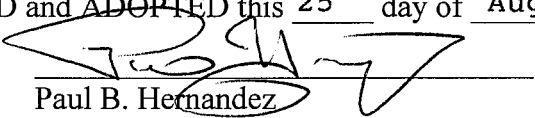
**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

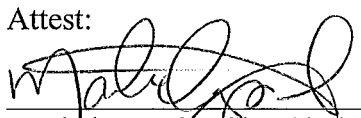
**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

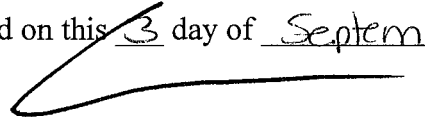
PASSED and ADOPTED this 25 day of August, 2020.

  
Paul B. Hernandez  
Council President

Attest:

  
Marbelys Fatjo, City Clerk

Approved on this 3 day of September, 2020.

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by 4-0-3 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, and Tundidor, voting "Yes" and with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.